

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Annette Rodriguez	Team: Squad #08	CCRB Case #: 202201364	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Saturday, 02/19/2022 9:33 PM, Thursday, 09/01/2022 10:22 AM, NA, __/__/____	Location of Incident: Central Park West and West 108th Street	18 Mo. SOL 8/19/2023	Precinct: 24		
Date/Time CV Reported Sat, 02/19/2022 11:06 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 03/07/2022 8:49 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Nunzio Vetrano	08158	968871	024 PCT
2. PO Andrew Trupiano	29121	969403	024 PCT
3. PO Taylor Olson	23261	969260	024 PCT
4. SGT Carlos Pappagallo	05121	952090	024 PCT
5. PO Jaspreet Singh	15432	970224	MELD
6. PO Roberson Tunis	29541	946347	024 PCT
7. Officers			
8. PO Thomas Martilla	13956	947215	024 PCT
9. An Officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Shahel Miah	26604	965060	024 PCT
2. PO Abdul Jabbar	18404	961831	024 PCT
3. PO Franchesca Acevedomota	22359	969450	024 PCT
4. LT Kevin Keller	00000	932848	024 PCT
5. PO Brad Simon	07353	970861	024 PCT
6. PO William Bodner	23938	962951	024 PCT
7. PO Michael Defalco	12425	960434	PSA 6
8. PO Md Islam	26195	968504	PSA 6
9. SGT Erick Corniel	00922	944038	024 PCT
10. PO William Clune	01438	970457	024 PCT
11. PO Seturah Blease	21151	967777	024 PCT
12. PO Bryan Wilson	17971	964345	024 PCT
13. PO Matthew Ornstein	21885	965383	024 PCT
14. PO Liam Kite	23080	969154	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Andrew Trupiano	Abuse: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Andrew Trupiano stopped § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
B . PO Taylor Olson	Abuse: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Taylor Olson stopped § 87(2)(b)	
C . PO Andrew Trupiano	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Andrew Trupiano used physical force against § 87(2)(b)	
D . PO Taylor Olson	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Taylor Olson used physical force against § 87(2)(b)	
E . PO Andrew Trupiano	Abuse: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Andrew Trupiano threatened § 87(2)(b) with the use of force.	
F . PO Andrew Trupiano	Discourtesy: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Andrew Trupiano spoke discourteously to § 87(2)(b)	
G . PO Jaspreet Singh	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Jaspreet Singh used physical force against § 87(2)(b)	
H . PO Thomas Martilla	Discourtesy: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Thomas Martilla spoke discourteously to § 87(2)(b)	
I . SGT Carlos Pappagallo	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Sergeant Carlos Pappagallo used physical force against § 87(2)(b)	
J . PO Nunzio Vetrano	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Nunzio Vetrano hit § 87(2)(b) against the ground.	
K . SGT Carlos Pappagallo	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Sergeant Carlos Pappagallo used physical force against § 87(2)(b)	
L . An Officer	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, an officer restricted § 87(2)(b) breathing.	
M . SGT Carlos Pappagallo	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Sergeant Carlos Pappagallo used a chokehold against § 87(2)(b)	
N . SGT Carlos Pappagallo	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Sergeant Carlos Pappagallo restricted § 87(2)(b) breathing.	
O . PO Nunzio Vetrano	Discourtesy: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
P . PO Nunzio Vetrano	Discourtesy: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)	
Q . PO Nunzio Vetrano	Discourtesy: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)	
R . PO Roberson Tunis	Force: On February 19, 2022, at § 87(2)(b) in Manhattan, Police Officer Roberson Tunis tightly handcuffed § 87(2)(b)	
S . PO Roberson Tunis	Abuse: On February 19, 2022, Police Officer Roberson Tunis searched a bedroom inside of § 87(2)(b) in Manhattan.	
T . PO Roberson Tunis	Abuse: On February 19, 2022, Police Officer Roberson Tunis failed to provide § 87(2)(b) with a business card.	
U . Officers	Abuse: On an unknown date, at the 24th Precinct located at 151 West 100th Street in Manhattan, officers searched § 87(2)(b) recording device.	
V . SGT Carlos Pappagallo	Untruthful Stmt.: On September 1, 2022, at 100 Church Street in Manhattan, Sergeant Carlos Pappagallo provided a false official statement to the CCRB.	

Case Summary

On February 19, 2022, Sgt. Francisco Portes of the 24th Precinct filed the following complaint via telephone with IAB, generating original log # § 87(2)(b). A spin-off log was then forwarded to the CCRB, where it was received on March 7, 2022.

On February 19, 2022, at approximately 9:33 p.m., § 87(2)(b) called 911 on § 87(2)(b) for allegedly stealing money from her purse. § 87(2)(b) was with § 87(2)(b) and her daughter, § 87(2)(b) at § 87(2)(b) apartment located at § 87(2)(b) in Manhattan. PO Roberson Tunis and PO Jaspreet Singh of the 24th Precinct responded and encountered § 87(2)(b) exiting the apartment. § 87(2)(b) who had an outstanding parole warrant, fled from the officers.

PO Andrew Trupiano and PO Taylor Olson, both from the 25th Precinct, stopped § 87(2)(b) on West 108th Street and Central Park West (**Allegations A & B: Abuse of Authority**, § 87(2)(g) § 87(2)(b) alleged that PO Trupiano and PO Olson then threw him onto the ground (**Allegation C & D: Force**, § 87(2)(g) As the officers attempted to handcuff § 87(2)(b) PO Trupiano threatened § 87(2)(b) with the use of his taser and said to § 87(2)(b) “I will fucking tase you. I’ll tase the shit out of you. I’ll tase the fucking shit out of you” (**Allegation E: Abuse of Authority**, § 87(2)(g) (**Allegation F: Discourtesy**, § 87(2)(g)

PO Jaspreet Singh of the 24th Precinct allegedly knelt on or kicked § 87(2)(b) ankle (**Allegation G: Force**, § 87(2)(g) PO Thomas Martilla of the 24th Precinct then stated, “Put your fucking hands behind your back” (**Allegation H: Discourtesy**, § 87(2)(g) Sgt. Carlos Pappagallo of the 24th Precinct allegedly kicked or stomped on § 87(2)(b) (**Allegation I: Force**, § 87(2)(g) As § 87(2)(b) laid face down on the ground, PO Nunzio Vetrano of the 24th Precinct allegedly took hold of § 87(2)(b) and hit him against the ground repeatedly (**Allegation J: Force**, § 87(2)(g) Sgt. Pappagallo then punched § 87(2)(b) (**Allegation K: Force**, § 87(2)(g) An officer allegedly placed their knee on § 87(2)(b) back, restricting his breathing (**Allegation L: Force**, § 87(2)(g) Sgt. Pappagallo placed his left hand on § 87(2)(b) neck which restricted his breathing (**Allegations M & N: Force**, § 87(2)(g) PO Vetrano stated, “Give us your fucking hands” (**Allegation O: Discourtesy**, § 87(2)(g) PO Vetrano then allegedly stated, “Don’t ever run from us again, you stupid mother fucker” (**Allegation P: Discourtesy**, § 87(2)(g)

§ 87(2)(b) informed the officers that they had broken his ankle and PO Vetrano responded, “Tough shit,” and said in response to § 87(2)(b) explanation for why he fled, “That’s some bullshit reason” (**Allegation Q: Discourtesy**, § 87(2)(g)

Once § 87(2)(b) was in handcuffs, PO Roberson Tunis of the 24th Precinct, tightened the handcuffs (**Allegation R: Force**, § 87(2)(g) § 87(2)(b) was then transported to the 24th Precinct Stationhouse.

Numerous officers then returned to § 87(2)(b) apartment where PO Tunis opened a bedroom door and looked inside (**Allegation S: Abuse of Authority**, § 87(2)(g) PO Tunis failed to provide § 87(2)(b) with a business card (**Allegation T: Abuse of Authority**, § 87(2)(g)

§ 87(2)(b) belongings, including his cell phone, were vouchered. Afterwards, on an unknown date, an officer allegedly accessed § 87(2)(b) phone and posted on § 87(2)(b) Instagram account (**Allegation U: Abuse of Authority**, § 87(2)(g)

On September 1, 2022, Sgt. Pappagallo intentionally provided a false official statement during his CCRB interview (**Allegation V: Untruthful Statement**, § 87(2)(g)).

§ 87(2)(b) was arrested as a result of this incident and charged with resisting arrest and obstruction of governmental administration.

The investigation obtained BWC footage from PO Tunis, PO Singh, PO Trupiano, PO Martilla, PO Franchesca Acevedomota, PO Shahel Miah, Lt. Kevin Keller, PO Brad Simon, PO Abdul Jabbar, PO Taylor Olson, Sgt. Pappagallo, PO William Bodner, Sgt. Erick Corniel, PO William Clune, PO Seturah Blease, PO Vetrano, PO Bryan Wilson, PO Matthew Ornstein, and PO Liam Kite, all from the 24th Precinct. The investigation also received BWC footage from PO Michael Defalco and PO MD Islam from PSA 6 (Board Review 01). Summaries of the BWC footage can be found linked to IA 139 (Board Review 34).

Findings and Recommendations

Allegation (A) Abuse of Authority: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Andrew Trupiano stopped § 87(2)(b)

Allegation (B) Abuse of Authority: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Taylor Olson stopped § 87(2)(b)

§ 87(2)(b) was interviewed by the CCRB on April 13, 2022. § 87(2)(b) stated that on February 19, 2022, at approximately 9:33 p.m., he was at § 87(2)(b) apartment when she and § 87(2)(b) got into an argument about money. § 87(2)(b) who was unaware that § 87(2)(b) had called the police, exited the apartment to retrieve money and resolve the dispute. PO Tunis and PO Singh who were outside of the apartment, in the hallway, asked § 87(2)(b) where he was going and asked what had happened. § 87(2)(b) explained that § 87(2)(b) and § 87(2)(b) had gotten into an argument. § 87(2)(b) was then asked to return to the apartment as the officers spoke with § 87(2)(b) outside of the apartment. § 87(2)(b) then exited the apartment and PO Tunis and PO Singh requested his identification. § 87(2)(b) refused and PO Tunis grabbed the bottom of § 87(2)(b) jacket. § 87(2)(b) pulled away from PO Tunis and ran away from the officers and exited the building. § 87(2)(b) walked towards a bus that was located on 107th Street by Central Park but was unable to board as the driver stated that the bus was inoperable. § 87(2)(b) saw numerous officers inside of Central Park, took his jacket off and began walking towards the train station because he was concerned about getting in trouble for an outstanding parole warrant. § 87(2)(b) was then stopped by PO Trupiano and PO Olson who grabbed him by his wrists (Board Review 02).

PO Trupiano's BWC footage shows that § 87(2)(b) was wearing a black hoodie, black sweatpants, black sneakers, and had a gold chain necklace on. At the 1:00 timestamp of the video recording (original timestamp: 21:41:50), PO Trupiano and PO Olson are inside of an elevator as central relays a description of § 87(2)(b) over the radio as a "black male wearing a black sweater." At 1:50 seconds of the video recording (original timestamp: 21:42:30), the officers exit the building as central relays that § 87(2)(b) was last seen headed southbound on 107th Street towards Central Park West. At 3:13 of the video recording (original timestamp: 21:44:04), PO Trupiano and PO Olson drive around looking for § 87(2)(b) and stop him on West 108th Street and Central Park West. At 3:28 of the video recording (original timestamp: 21:44:17), PO Trupiano goes over his radio to confirm § 87(2)(b) description and his description is relayed over the radio once again (Board Review 03).

PO Olson's BWC footage is consistent with that of PO Trupiano (Board Review 04).

People v. Private, 259 A.D.2d 504, states that reasonable suspicion to stop a defendant may be founded on radio transmissions concerning a crime, the close temporal and physical proximity of the defendant to the location of the crime, and if the officer's observation of the defendant matches the radio-transmitted description (Board Review 05).

PO Trupiano and PO Olson stopped § 87(2)(b) on West 108th Street and Central Park West, one block away from West 107th Street and Central Park West. § 87(2)(b) description and location were first relayed over the radio at 9:42 p.m. and he was stopped two minutes later at 9:44 p.m. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (C) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Andrew Trupiano used physical force against § 87(2)(b)

Allegation (D) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Taylor Olson used physical force against § 87(2)(b)

§ 87(2)(b) stated that PO Trupiano and PO Olson attempted to place him face down on the ground. § 87(2)(b) asked either PO Trupiano or PO Olson if they could release him so that he could get on the ground and the officers said no. PO Trupiano and PO Olson then "threw" § 87(2)(b) on the ground. On his way to the ground, § 87(2)(b) pulled away from PO Olson to stop himself from hitting the concrete. PO Olson did not break her grip of § 87(2)(b) chest hit the ground and he held his face up so that it would not hit the ground (Board Review 02).

PO Trupiano's BWC shows that PO Trupiano and PO Olson did not throw § 87(2)(b) on the ground. At the 04:10 timestamp, § 87(2)(b) breaks free from PO Trupiano and PO Olson who are holding him by the arms, and he attempts to run from the officers but trips and falls down on his own (Board Review 03).

§ 87(2)(b) alleged that PO Trupiano and PO Olson threw him on the ground. BWC footage shows that § 87(2)(b) tripped and fell to the ground as he attempted to flee from officers for a second time. § 87(2)(g)

§ 87(2)(b)

Allegation (E) Abuse of Authority: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Andrew Trupiano threatened § 87(2)(b) with the use of force.

Allegation (F) Discourtesy: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Andrew Trupiano spoke discourteously to § 87(2)(b)

Allegation (H) Discourtesy: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Thomas Martilla spoke discourteously to § 87(2)(b)

Although not alleged by § 87(2)(b) BWC footage shows that PO Trupiano threatened him with the use of his taser. BWC footage also shows that PO Trupiano and PO Martilla used profanity towards § 87(2)(b)

PO Trupiano's BWC shows at the 04:14 timestamp of the video recording, § 87(2)(b) frees himself from PO Trupiano's and PO Olson's grip and runs from them. § 87(2)(b) only runs a few steps away from them when he trips over himself and falls to the ground. PO Trupiano grabs

§ 87(2)(b) by his left arm and holds him on the ground. § 87(2)(b) is laying on the ground on his right side. At 4:23, PO Trupiano tells § 87(2)(b) to turn around three times as he pushes § 87(2)(b) left shoulder towards the ground. § 87(2)(b) is seen pushing his left shoulder back against PO Trupiano's hand, away from the ground. At 4:25, § 87(2)(b) turns and faces PO Trupiano with his back to the ground and states, "I am, look, I am." At 4:26, PO Trupiano states, "I will fucking tase you. I'll tase the shit out of you. I'll tase the fucking shit out of you." At 4:44, PO Trupiano pushes § 87(2)(b) left shoulder, guiding it towards the ground as he says, "It's fucking over." At 4:56, § 87(2)(b) is briefly depicted laying on the ground on his stomach with additional officers now surrounding him (Board Review 03).

PO Acevedomota's BWC shows at the 04:17 timestamp of the video recording, PO Martilla instructs § 87(2)(b) who is on the ground surrounded by numerous officers, to put his hands behind his back. At 4:20, PO Martilla tells § 87(2)(b) "put your fucking hands behind your back." At 4:29, PO Trupiano states, "give us your fucking hands." At 4:41, PO Martilla states, "he's cuffed, he's cuffed," and officers get up off the ground (Board Review 06).

NYPD Patrol Guide Procedure 221-01, states that an officer may use force when it is reasonable to place a person in custody or to prevent escape from custody (Board Review 07).

NYPD Patrol Guide Procedure 221-08, states that a CEW should only be used against persons who are actively resisting. Active resistance is defined as physically evasive movements to defeat a member of service's attempt at control, including bracing, tensing, pushing, or verbally signaling an intention to prevent being taken into custody (Board Review 08).

In DCT-DAO Case number 2017-17276, it was ruled by the Honorable Jeff S. Adler, that there are certain stressful and chaotic situations in which profane remarks would not constitute misconduct. Language which would be inappropriate for the vast majority of police-citizen encounters may be excused when used as a means of verbal suasion intended to dissuade a suspect from active resistance to an arrest (Board Review 09).

PO Trupiano and PO Olson stopped § 87(2)(b) after he fled from PO Tunis and PO Singh. BWC shows that § 87(2)(b) then attempted to flee from custody for a second time. BWC also shows that PO Trupiano gave § 87(2)(b) numerous commands to turn around while guiding his body to the ground. § 87(2)(b) actively resisted and turned in the opposite direction. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

BWC footage captures PO Trupiano and PO Martilla using profanity towards § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Trupiano had asked § 87(2)(b) to turn around numerous times, but he did not comply. § 87(2)(b) was asked to give officers his hands, but he remained noncompliant and actively resisted being placed into custody. § 87(2)(g)

§ 87(2)(g)

Allegation (G) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Jaspreet Singh used physical force against § 87(2)(b)

§ 87(2)(b) alleged that an officer dropped either his knee or foot down onto his ankle, causing it to break. § 87(2)(b) toes were pointed down towards the ground when the officer

dropped his foot or knee down onto his heel (Board Review 02).

§ 87(2)(b) sustained a serious ankle injury as a result of this incident. Page four of § 87(2)(b) Hospital records from § 87(2)(b) notes that § 87(2)(b) sustained a fracture of the medial malleolus of the right tibia (Board Review 12).

The investigation identified PO Singh as the only officer who visibly made contact with § 87(2)(b) ankles in the BWC videos. PO Simon's BWC video shows at the 2:50 timestamp, PO Singh is kneeling down on § 87(2)(b) lower leg area with his full body weight and holding § 87(2)(b) left shoe with his left hand. § 87(2)(b) right foot is turned to the right, with the left side of his foot facing the ground (Board Review 13).

§ 87(2)(g)

Allegation (I) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Sergeant Carlos Pappagallo used physical force against § 87(2)(b)

§ 87(2)(b) alleged that he was kicked as he was on the ground surrounded by numerous officers. § 87(2)(b) did not recall where on his body he was kicked (Board Review 02).

PO Acevedomota's BWC shows at the 4:20 timestamp of the video recording, Sgt. Pappagallo runs into frame from the right side and approaches § 87(2)(b) upper body area, joining numerous officers already on the ground surrounding § 87(2)(b) Sgt. Pappagallo runs over in between PO Martilla and PO Trupiano. At 4:22, Sgt. Pappagallo places his left hand on PO Trupiano's right shoulder and his right hand on PO Martilla's back and raises his right leg and stomps down. The footage does not capture what Sgt. Pappagallo's leg makes contact with. (Board Review 06).

Sgt. Pappagallo was interviewed by the CCRB on September 1, 2022. Sgt. Pappagallo stated that he did not use a foot strike on any part of § 87(2)(b) body. Sgt. Pappagallo's feet did not make contact with any part of § 87(2)(b) body at any time. Sgt. Pappagallo reviewed the above cited BWC footage during his interview. Sgt. Pappagallo stated that he did not recall if he used a foot strike on § 87(2)(b) but stated that based on the BWC footage, it appeared as though he attempted to squeeze between two officers to assist in apprehending § 87(2)(b) Sgt. Pappagallo did not recall what his foot came into contact with (Board Review 10).

PO Vetrano was interviewed by the CCRB on September 23, 2022. PO Vetrano stated that he did not observe Sgt. Pappagallo stomp on any part of § 87(2)(b) body. After being presented with the abovementioned BWC footage, PO Vetrano stated that he did not know what Sgt. Pappagallo was doing with his leg. PO Vetrano believed Sgt. Pappagallo may have used his leg to move the two officers out of the way. PO Vetrano did not know what Sgt. Pappagallo's foot made contact with (Board Review 11).

BWC shows that Sgt. Pappagallo stomped his right leg near § 87(2)(b) upper body. However, BWC does not show where Sgt. Pappagallo's foot came into contact. § 87(2)(g)

Allegation (J) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Nunzio Vetrano hit § 87(2)(b) against the ground.

§ 87(2)(b) stated that as he was on the ground surrounded by numerous officers, he raised his head so that it would not be on the concrete. PO Vetrano allegedly stood over § 87(2)(b) head, grabbed him by the back of his elastic shirt, lifted him up and slammed § 87(2)(b) face into the concrete. § 87(2)(b) chin and nose hit the concrete. § 87(2)(b) turned his face to the side and PO Vetrano again pushed his face into the concrete. The right side of § 87(2)(b) face hit the concrete. § 87(2)(b) then turned his face to the other side. While turning his face, § 87(2)(b) gold chain necklace looped around his ear, edgewise. § 87(2)(b) necklace was an inch thick and two centimeters wide. Each time PO Vetrano pushed § 87(2)(b) head into the concrete, his chain necklace got lodged further into his head. § 87(2)(b) yelled out, “Please stop.” § 87(2)(b) believed that his necklace went all the way through to his skull and he passed out briefly (Board Review 02).

§ 87(2)(b) sustained an injury to his left ear as a result of this incident. Page eight of § 87(2)(b) Hospital records show that § 87(2)(b) gold necklace was stuck to the pinna of his left ear with minimal bleeding as well as small abrasions to his left cheek and left eyebrow. The bottom of page seven of the report contained a statement from § 87(2)(b) stated that his ear was shoved into the ground where his gold necklace was lodged (Board Review 16).

NYPD TRI # § 87(2)(b) acknowledges § 87(2)(b) injuries: “The subject suffered injuries to his ear and ankle and was removed to the hospital” (Board Review 31).

PO Vetrano’s BWC shows at the 00:34 timestamp of the video recording, PO Vetrano runs over to where § 87(2)(b) is on the ground surrounded by numerous officers. PO Vetrano pushes between PO Trupiano and PO Olson and gets in between them on the ground. At the 00:42 timestamp of the video recording (original timestamp 21:45:41), PO Vetrano grabs the hood of § 87(2)(b) with his right hand and pulls it up, lifting § 87(2)(b) upper body off the ground. The camera then moves rapidly, and it becomes unclear what is going on (Board Review 15).

PO Acevedomota’s BWC shows at the 4:22 timestamp of the video recording (original timestamp 21:45:41), PO Vetrano is furthest to the left side of the frame and kneeling on the ground. At 4:23 of the video recording, PO Vetrano is seen moving his upper body up and down repeatedly (Board Review 06).

PO Vetrano denied grabbing § 87(2)(b) by his sweatshirt, lifting him off the ground, and slamming § 87(2)(b) against the ground repeatedly. PO Vetrano denied taking any action which may have caused injury to § 87(2)(b) head area or his face. PO Vetrano knelt down over § 87(2)(b) near his right shoulder and held the side of § 87(2)(b) head down to the ground. PO Vetrano held § 87(2)(b) head by the crown of his head. § 87(2)(b) was tensing his entire body and pushing his head up against PO Vetrano’s hand. As he was holding § 87(2)(b) head down to the ground, PO Vetrano was not able to see any jewelry on § 87(2)(b) PO Vetrano did not see any injuries on § 87(2)(b) head. PO Vetrano did not recall if § 87(2)(b) was complaining of any pain as his head was held down.

PO Vetrano reviewed his above cited BWC footage during his interview. PO Vetrano stated that § 87(2)(b) torso may have been lifted off the ground as officers were pulling his hands

up from underneath him. PO Vetrano used his right hand to lift § 87(2)(b) to get his arm out from underneath him. PO Vetrano then changed his testimony and stated that he did not know who was lifting § 87(2)(b). PO Vetrano maintained that he did not lift § 87(2)(b) up and slam him against the ground. PO Vetrano reviewed PO Acevedomota's above cited BWC footage. PO Vetrano did not recall what he was doing with his body. PO Vetrano believed that it might have been the point in time where § 87(2)(b) arm was lifted from underneath him. PO Vetrano stated that his body was moving up and down as a result of § 87(2)(b) flailing his upper body (Board Review 11).

Sgt. Pappagallo did not observe any officer grab § 87(2)(b) by the back of his shirt, lift him up, and then hit him against the ground (Board Review 10).

§ 87(2)(g)

Allegation (K) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Sergeant Carlos Pappagallo used physical force against § 87(2)(b)

§ 87(2)(b) alleged that officers punched him in his ribs, his back, and his legs as he was on the ground. § 87(2)(b) did not recall which officers punched him as he was facing the ground (Board Review 02).

PO Vetrano's BWC shows at the 00:49 timestamp of the video recording, § 87(2)(b) is resisting arrest by not freeing up his hands to the officers. § 87(2)(b) right hand appears to be under his stomach. Sgt. Pappagallo is holding § 87(2)(b) neck with his left hand (analyzed below) and performs a hand strike with his right hand to § 87(2)(b) upper back area (Board Review 15).

Sgt Pappagallo stated that § 87(2)(b) resisted arrest by flailing on the ground and he refused to give officers one of his arms. § 87(2)(b) flailed his head and mid-section. Sgt. Pappagallo did not recall what § 87(2)(b) was doing with the arm that he refused to give up. Sgt. Pappagallo initially stated that he did not use a hand strike on any part of § 87(2)(b) body; however, after he reviewed the above-cited BWC footage during his interview, he stated that he did not recall striking § 87(2)(b). Sgt. Pappagallo did not recall what he was doing with his right hand at the time. After viewing the footage, Sgt. Pappagallo maintained that he did not use a hand strike on § 87(2)(b) and did not see the need for a hand strike (Board Review 10).

NYPD Patrol Guide Procedure 221-01 states that an officer may use force when it is reasonable to place a person in custody or to prevent escape from custody (Board Review 07).

BWC footage showed that § 87(2)(b) was resisting arrest by not complying and freeing up his hands, thereby preventing officers from placing him into custody. § 87(2)(g)

Allegation (L) Force: On February 19, 2022, at Central Park West and West 108th Street in

Manhattan, an officer restricted § 87(2)(b) breathing.
Allegation (M) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Sergeant Carlos Pappagallo used a chokehold against § 87(2)(b)
Allegation (N) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Sergeant Carlos Pappagallo restricted § 87(2)(b) breathing.
Allegation (V) Untruthful Statement: On September 1, 2022, at 100 Church Street in Manhattan, Sergeant Carlos Pappagallo provided a false official statement to the CCRB.

§ 87(2)(b) stated that as he was on the ground surrounded by officers, he informed them that he had Asthma, seizures, and Sleep Apnea. § 87(2)(b) believed that an officer placed his knee on his back, restricting his ability to breathe properly. § 87(2)(b) asked the officer to please get off him. § 87(2)(b) was unable to see the officer (Board Review 02).

BWC videos revealed that no officer placed a knee on § 87(2)(b) back in the manner that he alleged.

However, although not alleged by § 87(2)(b) BWC footage captured Sgt. Pappagallo place his left hand on § 87(2)(b) neck.

Sgt. Pappagallo's BWC shows at the 1:07 timestamp of the video recording, Sgt. Pappagallo runs over to § 87(2)(b) who is on the ground surrounded by officers and stands in between PO Trupiano and PO Martilla. At 1:13, Sgt. Pappagallo kneels down near § 87(2)(b) head and places his left hand on the right side of § 87(2)(b) jaw and neck area. The left side of § 87(2)(b) head is against the ground. Once Sgt. Pappagallo's hand goes on § 87(2)(b) neck area, § 87(2)(b) begins to shout repeatedly that he has Asthma. At 1:20 – apparently in response to § 87(2)(b) complaint about his asthma – Sgt. Pappagallo opens his left hand, releasing his grip before finally removing his hand from § 87(2)(b) neck. § 87(2)(b) then stops shouting that he has Asthma once Sgt. Pappagallo removes his hand from § 87(2)(b) neck (Board Review 17).

PO Vetrano's BWC footage more clearly shows at the 00:50 timestamp of the video recording (when going frame by frame by pressing the "E" key while on the VLC player), Sgt. Pappagallo places his left hand around the right side of § 87(2)(b) neck and jaw area. PO Vetrano is holding § 87(2)(b) head down with his right hand above § 87(2)(b) right ear. § 87(2)(b) is speaking but audio does not begin until the 1:00 timestamp, at which point Sgt. Pappagallo removes his hand from § 87(2)(b) neck (Board Review 15).

A screenshot of PO Vetrano's BWC footage paused at the 00:54 timestamp depicts Sgt. Pappagallo's left hand on the right side of § 87(2)(b) neck. § 87(2)(b) is seen facing the bottom of the frame with the right side of his head against the ground and his mouth is slightly opened. Sgt. Pappagallo's left hand is facing upward and PO Vetrano's right hand is facing downward on the top of § 87(2)(b) head near his temple and hair (Board Review 32).

Sgt. Pappagallo stated that he approached § 87(2)(b) to assist the officers in apprehending him. Sgt. Pappagallo placed his hand on § 87(2)(b) head, near his ear and cheek area, to prevent him from flailing his head. Sgt. Pappagallo did not recall that § 87(2)(b) head movements increased the officers' difficulty in restraining him. Sgt. Pappagallo did not recall which one of his hands he placed on § 87(2)(b) head. Sgt. Pappagallo did not recall what § 87(2)(b) was doing with his head or body before he placed his hand on his head. Sgt. Pappagallo did not apply any pressure to § 87(2)(b) head, instead he rested his hand on § 87(2)(b) head. Sgt. Pappagallo did not recall if § 87(2)(b) pushed up against his hand. Sgt. Pappagallo did not recall if § 87(2)(b) said anything as his hand was placed on his head. Sgt. Pappagallo did not recall if § 87(2)(b) said

anything that might have suggested that his breathing was restricted in any way. Sgt. Pappagallo did not recall if § 87(2)(b) made any statements while on the ground. Sgt. Pappagallo did not take any action which may have prevented § 87(2)(b) from breathing properly. Sgt. Pappagallo's hand did not come into contact with § 87(2)(b) neck, jaw, or chin at any point.

Sgt. Pappagallo reviewed the above cited portion of his own BWC footage during his CCRB interview on September 1, 2022. Sgt. Pappagallo maintained that he did not place his hand on § 87(2)(b) neck. Sgt. Pappagallo did not recall hearing § 87(2)(b) repeat that he had asthma in real time. Sgt. Pappagallo did not know why § 87(2)(b) stated he had asthma. Sgt. Pappagallo also reviewed the above cited portion of PO Vetrano's BWC footage. Sgt. Pappagallo maintained that his hand was placed near § 87(2)(b) ear and his cheek. When asked if his hand came into contact at all with § 87(2)(b) neck, Sgt. Pappagallo denied making contact with § 87(2)(b) neck and stated, "It does not appear so to me." Sgt. Pappagallo denied making contact with the area below § 87(2)(b) jaw (Board Review 10).

PO Vetrano stated that he did not recall which part of § 87(2)(b) body Sgt. Pappagallo made contact with. PO Vetrano reviewed his above cited BWC footage during his interview. PO Vetrano observed Sgt. Pappagallo's hand to be on the cheek area of § 87(2)(b) head. PO Vetrano believed § 87(2)(b) head was positioned downward and so Sgt. Pappagallo's hand was on the side of § 87(2)(b) face. Sgt. Pappagallo did not take any action which may have restricted § 87(2)(b) breathing. PO Vetrano did not observe Sgt. Pappagallo's hand come into contact with § 87(2)(b) neck (Board Review 11).

Per NYPD Patrol Guide Procedure 221-01, a chokehold includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air. Members of Service shall not use a chokehold (Board Review 07).

Per NYPD Patrol Guide Procedure 203-08, the intentional making of a false official statement is prohibited, and will be subject to disciplinary action, up to and including dismissal. Examples of circumstances in which false statements may arise include, but are not limited to, an interview pursuant to Patrol Guide Procedure 211-14, "Investigations by Civilian Complaint Review Board" (Board Review 18).

Per NYPD Administrative Guide Procedure 304-10, a False Statement is an intentional statement that a member of the service knows to be untrue, which is material to the outcome of an investigation, proceeding, or other matter in connection with which the statement is made (Board Review 33).

The investigation reviewed all 24 BWC videos for this incident. BWC footage shows that no officer placed a knee on § 87(2)(b) back at any time. § 87(2)(g)

BWC footage clearly shows that Sgt. Pappagallo placed his left hand on § 87(2)(b) neck. § 87(2)(b) repeatedly shouted about his status as an asthmatic for the duration that Sgt. Pappagallo's hand was on his neck, suggesting that his breathing was restricted. § 87(2)(b) only stopped shouting about his asthma when Sgt. Pappagallo loosened his grip in response to § 87(2)(b) complaint about his asthma. PO Vetrano was already holding § 87(2)(b) head to the ground, preventing it from moving, § 87(2)(g)

§ 87(2)(g)

The question of whether Sgt. Pappagallo's hand was on § 87(2)(b) neck is clearly material to the investigation, as it pertains to whether Sgt. Pappagallo will face disciplinary action. Sgt. Pappagallo was shown two BWC videos providing two different angles of his left hand on the right side of § 87(2)(b) neck. After he reviewed the above cited videos, Sgt. Pappagallo continued to deny having placed his hand on § 87(2)(b) neck and maintained that his hand was on § 87(2)(b) cheek and ear instead. § 87(2)(g)

Allegation (O) Discourtesy: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)

Although not alleged by § 87(2)(b) BWC footage captured PO Vetrano using profanity towards § 87(2)(b)

At 1:08 of PO Bodner's BWC video, while the officers are in the process of detained § 87(2)(b) for a second time, PO Vetrano is heard saying, "Give us your fucking hands".

In DCT-DAO Case number 2017-17276, it was ruled by the Honorable Jeff S. Adler, that there are certain stressful and chaotic situations in which profane remarks would not constitute misconduct. Language which would be inappropriate for the vast majority of police-citizen encounters may be excused when used as a means of verbal suasion intended to dissuade a suspect from active resistance to an arrest (Board Review 09).

§ 87(2)(g)

§ 87(2)(b) was asked to give officers his hands, but he remained noncompliant and actively resisted being placed into custody. § 87(2)(g)

Allegation (P) Discourtesy: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)

§ 87(2)(b) alleged that after PO Vetrano repeatedly hit his head against the concrete, he stated, "Don't ever run from us again you stupid mother fucker."

The investigation thoroughly reviewed all 24 BWC videos of this incident, including PO Acevedomota's BWC footage from the 04:19 timestamp through 04:48 which captured clear audio of that portion of the interaction. All BWC videos showed that this did not occur. § 87(2)(g)

Allegation (Q) Discourtesy: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Nunzio Vetrano spoke discourteously to § 87(2)(b)

Although not alleged by § 87(2)(b) BWC footage captured PO Vetrano using profanity towards § 87(2)(b)

PO Clune's BWC footage shows at the 1:29 timestamp of the video recording, § 87(2)(b) is rear handcuffed, standing, and is surrounded by numerous officers. § 87(2)(b) states, "Ya'll broke my ankle. My ankle is broke!" PO Vetrano responds, "well you shouldn't have ran," followed by, "tough shit." At 1:39, Sgt. Pappagallo asks § 87(2)(b) what he has on him, and § 87(2)(b) responds "nothing." Sgt. Pappagallo asks § 87(2)(b) why he was running. At 1:40, § 87(2)(b) states that he has a warrant. At 1:43, PO Vetrano states, "that's some bullshit reason, dude. Some bullshit reason" (Board Review 19).

PO Vetrano did not recall if he stated "tough shit" in response to § 87(2)(b) indicating that his ankle was injured. PO Vetrano believed he may have stated, "that's some bullshit reason dude" to § 87(2)(b) in "the heat of the moment," in response to § 87(2)(b) repeatedly stating that he had a warrant. PO Vetrano reviewed his above cited BWC footage during his interview. PO Vetrano heard himself say, "you shouldn't have ran, tough shit" and "that's some bullshit reason, dude. Some bullshit reason." PO Vetrano did not recall having said this in real time. PO Vetrano used profanity due to "the heat of the moment" and because § 87(2)(b) had run from them twice at that point. There was no other reason as to why PO Vetrano used profanity (Board Review 11).

NYPD Patrol Guide Procedure 200-02 states that the Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism, and respect, while efficiently rendering police services (Board Review 20).

§ 87(2)(g)

Allegation (R) Force: On February 19, 2022, at Central Park West and West 108th Street in Manhattan, Police Officer Roberson Tunis tightly handcuffed § 87(2)(b)

Although not alleged by § 87(2)(b) BWC footage captured PO Tunis tightening § 87(2)(b) handcuffs.

PO Bodner's BWC shows at the 2:32 timestamp of the video recording, § 87(2)(b) is standing at the entry way of the back-passenger seat of a police vehicle with PO Bodner and PO Tunis. PO Tunis is seen and heard tightening § 87(2)(b) handcuffs. § 87(2)(b) states, "you're tightening the cuffs" and PO Tunis responds, "yeah, they were loose" (Board Review 21).

PO Tunis was interviewed by the CCRB on July 19, 2022. PO Tunis testified that upon arrival at West 108th Street and Central Park West, he observed that § 87(2)(b) had already been handcuffed and was on the ground. PO Tunis did not know who had handcuffed § 87(2)(b) nor did he learn later on. PO Tunis did not recall if he tightened § 87(2)(b) handcuffs at any point. PO Tunis did not recall if § 87(2)(b) handcuffs appeared loose.

PO Tunis reviewed PO Bodner's above cited BWC footage, PO Tunis recalled that he did in fact tighten § 87(2)(b) handcuffs. PO Tunis tightened § 87(2)(b) handcuffs because he was a flight risk, and the handcuffs were visibly loose. There was no other reason as to why PO Tunis tightened the handcuffs. § 87(2)(b) handcuffs had originally been tightened two to three teeth.

PO Tunis believed that prior to him tightening the handcuffs, § 87(2)(b) could have conceivably pulled his hands out of the handcuffs. § 87(2)(b) had not attempted to remove his hands from the handcuffs before PO Tunis tightened them, which PO Tunis said was a preventative measure. § 87(2)(b) was then transported to the 24th Precinct stationhouse. PO Tunis believed that § 87(2)(b) was arrested based on the theft allegation. PO Tunis did not recall if § 87(2)(b) did in fact have an open warrant (Board Review 22).

It is undisputed that PO Tunis tightened § 87(2)(b) handcuffs. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (S) Abuse of Authority: On February 19, 2022, Police Officer Roberson Tunis searched a bedroom inside of § 87(2)(b) in Manhattan.

Allegation (T) Abuse of Authority: On February 19, 2022, Police Officer Roberson Tunis failed to provide § 87(2)(b) with a business card.

Neither § 87(2)(b) nor § 87(2)(b) alleged that any officer searched any part of § 87(2)(b) apartment. However, BWC footage shows that PO Tunis searched a bedroom inside of § 87(2)(b) in Manhattan. § 87(2)(b) did not allege that any officer failed to provide her with a business card. However, PO Tunis acknowledged that he did not provide § 87(2)(b) with a business card.

PO Martilla's BWC shows at the 3:39 timestamp of the video recording, PO Singh PO Acevedomota, PO Martilla, and PO Tunis are greeted at the apartment door by § 87(2)(b) and § 87(2)(b). PO Tunis enters § 87(2)(b) apartment behind PO Singh and PO Acevedomota. At the 3:41 timestamp, PO Singh asks § 87(2)(b) if there is anyone else in the apartment. § 87(2)(b) responds that her brother, who is autistic, is also in the apartment. At the 3:55 timestamp, PO Tunis pushes open a bedroom door on the right side of the frame and looks inside of the bedroom before he joins everyone in the living room to the left side of the frame (Board Review 23).

PO Tunis testified that upon arrival at the apartment, § 87(2)(b) opened the apartment door and consented to the officers' entry. The officers entered § 87(2)(b) apartment and went into the living room. PO Tunis did not enter any other room in the apartment. PO Tunis did not believe that he opened the door to any bedroom in the apartment. PO Tunis did not believe that he had asked anyone for permission to search any area of the apartment, nor did he have any reason to search any area of the apartment besides what was in his view. PO Tunis did not have any information about anyone else being inside of the apartment. PO Tunis had not been given any information about any weapons or contraband inside of the apartment.

PO Tunis reviewed PO Martilla's above cited BWC footage during his interview. PO Tunis recalled that he opened a bedroom door inside of the apartment. PO Tunis opened the bedroom door to check if there was anyone else inside of the apartment. Even though § 87(2)(b) had stated who was in the apartment, PO Tunis' procedure is to look around the apartment and even clear the apartment if a 911 call was placed from that apartment. PO Tunis needed to make the apartment safe. There was no reason to believe the apartment was not safe. If a door was already ajar, PO Tunis believed he was allowed to push the door open to see who was inside. He also believed that during domestic disputes, the complainant may be afraid to tell officers who was in the apartment. PO Tunis had previous experiences during which people were hiding in other bedrooms. There was no specific information that someone may have been hiding in the room which PO Tunis searched.

PO Tunis had not obtained consent to open the door, nor did he have a warrant. PO Tunis had not heard anything coming from inside the room nor did he believe there to be an emergency taking place inside the room.

PO Tunis stated that a Domestic Incident Report was then completed. PO Tunis did not provide anyone in the apartment with a business card. PO Tunis stated that if a person was arrested, there is no need to provide a business card. PO Tunis did not provide § 87(2)(b) with a business card because the Domestic Incident Report contained his information. It is PO Tunis' understanding that he is required to provide a business card during a stop, question, possible frisk, or an encounter (Board Review 22).

According to People v. Doll, 21 N.Y.3d 665, the “emergency doctrine” recognizes that the Constitution is not a barrier to a police officer seeking to help someone in immediate danger, thereby excusing or justifying otherwise impermissible police conduct that is an objectively reasonable response to an apparently exigent situation. The exception is comprised of three elements: (1) the police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property and this belief must be grounded in empirical facts; (2) the search must not be primarily motivated by an intent to arrest and seize evidence; and (3) there must be some reasonable basis, approximating probable cause, to associate the emergency with the area or place to be searched (Board Review 24).

According to Administrative code 14-174, during a law enforcement activity, an officer shall: 3. Offer a business card to such person at the conclusion of any such activity that does not result in an arrest or summons (Board Review 25).

According to NYPD Patrol Guide Procedure 203-09, a business card is to be offered for a law enforcement activity, except in cases when a summons is issued, or an arrest is made as follows: f. Home search (Board Review 26).

PO Tunis searched a bedroom inside of § 87(2)(b) apartment without consent. PO Tunis did not have a warrant, § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

It is undisputed that § 87(2)(b) was not arrested nor was she summonsed, and that PO Tunis failed to provide § 87(2)(b) with a business card. It is also undisputed that PO Tunis opened a bedroom door in § 87(2)(b) apartment § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation (U) Abuse of Authority: On an unknown date, at the 24th Precinct located at 151 West 100th Street in Manhattan, officers searched § 87(2)(b) recording device.

§ 87(2)(b) alleged that on an unknown date or time after his arrest, an officer created a post using his Instagram account, “§ 87(2)(b) § 87(2)(b)” obtained this information from his uncle who had spoken to § 87(2)(b) friend § 87(2)(b) § 87(2)(b) believed that his Instagram account had been hacked. § 87(2)(b) had provided the officers with his password. § 87(2)(b) voluntarily provided the passwords to both of his phones to officers to prove that he had nothing to hide (Board Review 02).

The investigation located § 87(2)(b) Instagram account “§ 87(2)(b) § 87(2)(b)” latest post had been made on November 15, 2021, approximately three months prior to the date of this incident (Board Review 27).

§ 87(2)(b) Instagram account showed that there had not been any recent posts made. The last post was made months prior to his arrest. § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- PO Singh has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Trupiano has been a member-of-service for two years and has been a subject in four additional CCRB complaints and five additional allegations, none of which were substantiated. § 87(2)(g)
- PO Vetrano has been a member of service for two years and has been a subject in two additional CCRB complaints and three additional allegations, none of which were substantiated. § 87(2)(g)
- PO Olson has been a member of service for two years and has been a subject in three additional CCRB complaints and three additional allegations, none of which were substantiated. § 87(2)(g)
- Sgt. Pappagallo has been a member-of-service for 10 years and this is the first CCRB complaint to which he has been a subject.
- PO Tunis has been a member of service for 14 years and has been a subject in 13 additional CCRB complaints and 32 additional allegations, of which five were substantiated:
 - Case number 201110738 involved substantiated allegations of a frisk and two stops against PO Tunis. The Board’s recommendation is not visible in CTS and the NYPD imposed Instructions.
 - Case number 202103192 involved substantiated allegations of gun drawn and strip-searched against PO Tunis. The Board recommended Charges and the NYPD imposed Command Discipline B and Charges. § 87(2)(g)
- PO Martilla has been a member of service for 14 years and has been a subject in four additional CCRB complaints and six additional allegations, of which one was substantiated:
 - Case number 201905897 involved a substantiated allegation of Abuse of Authority (other) against PO Martilla. The Board’s recommendation is not currently visible in CTS and the NYPD imposed Instructions.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- § 87(2)(b) filed a Notice of Claim with the City of New York claiming “(a) False Arrest; (b) False Imprisonment; (c) Negligent Training, Supervision, Hiring and Retention; (d) Unlawful Search, Seizure, and Entry; (e) Loss of Liberty; (f) Loss of Civil Rights and Constitutional rights pursuant to 42 USC Section 1983; (g) Intentional Infliction of Emotional Distress; (h) Negligent Infliction of Emotional Distress; (i) Negligence; (j) Assault; (k) Battery; (l)

Malicious Prosecution; (m) Gross Negligence; (n) Deliberate Indifference to Medical Needs; (o) Deliberate Indifference to Health, Safety, and/or Welfare; (p) Fabrication of Evidence; (q) Denial of Due Process/Substantive Due Process; (r) Excessive Force; (s) Defamation; (t) Violation of First Amendment Rights; (u) Loss of NY State Constitutional Rights; (v) Municipal Liability; (w) New York City Human Rights Law Violations; (x) New York State Disability Rights Violations; (y) American with Disabilities Act Violations and the New York State and City equivalent(s), and seeking \$3,000,000.00 as redress (Board Review 29). § 87(2)(a)

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad: 8

Investigator:	<u>Annette Rodriguez</u>	<u>Annette Rodriguez</u>	<u>10/25/2022</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Ethan De Angelo</u>	<u>IM Ethan De Angelo</u>	<u>10/25/2022</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date